REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

A new Abstract is submitted herewith to obviate the objection thereto.

Proposed changes to Figs. 1, 3, 4, 6, and 7 are submitted herewith in response to the Final Rejection. The proposed drawing changes submitted August 31, 2004 are withdrawn, except to the extent they are included in the present changes.

Regarding the objections to Figs. 1 and 3, the proposed changes make it clear that the packet communication apparatus of the present invention performs transmit power control after transmit power information has been received from the communicating party. Consequently, in Figs. 1, 3 and 6, the legends "up," "eq" and "down" each represent the content of power control information, and the short horizontal lines each represent actual transmit power and variations in transmit power with time based on transmit power information. In accordance with this, the present amendments labels the horizontal axis as "time." At the same time, it is clear that those skilled in the art would recognize that the legends "up," "eq" and "down" need not line up with the short horizontal lines. Also, regarding Figs. 1 and 3, the Final Rejection notes that each of these figures illustrates a power

versus time graph. Since the Y-axis is labeled "power," it is clear that labeling the X-axis "power control," as proposed in the Final Rejection, would be misleading. The revisions proposed in the Final Rejection do not correctly represent the timing between the labels and the respective operations and are traversed. The placements of functional labels within the Applicants' modified drawings are selected to accord with the actual timing of the illustrated operations, and it is submitted that no further changes are needed.

Regarding the objection to Fig. 6, the Applicants respectfully submit that neither the changes requested in the Final Rejection nor the Office's interpretation of the invention is consistent with the Applicants' disclosure. Applicants' Fig. 6 illustrates a data channel and a control channel that are multiplexed in one packet 501. Fig. 6 does not illustrate two different types of packets, such as a data packet and a control packet, as proposed in the Final Rejection (see Final Rejection page 2). Consequently, reference character 501 designates a packet that accommodates both the data and control channels, and reference character 502 designates the transmission units within packet 501. Those of ordinary skill in the art would readily recognize these features from the Applicants' original disclosure. Specifically, in Fig. 2, section 106 extracts transmit power information from the

communicating party, and section 104 outputs transmit power instruction information. Fig. 6 has been amended to make this subject matter more readily apparent.

Regarding the objection to the specification, to remove any prospect of confusion, Applicants submit another substitute specification to provide increased clarity of the disclosed subject matter, as described below. Additionally, a comparison document of the current and prior substitute specifications is enclosed. No new matter is believed to be added by the amendments.

Because transmit power control information both received and transmitted by the communication apparatus illustrated in Fig. 2 are essentially the same type of information, the original specification referred to both as transmit power instruction information. However, to draw a distinction between the received and transmitted information, the present substitute specification designates the transmitted information as transmit power instruction information and the received information as transmit power information. Figures 4 and 7 have been amended to reflect the changes to the specification.

Claims 11 and 15 have been amended solely for clarity and have not been narrowed. Therefore, no estoppel is deemed attachable to the amendments of claims 11 and 15. These amendments were not

presented earlier due to the unforeseeability of the apparent misunderstanding of the claimed subject matter.

Claims 11 and 13-15 were rejected, under 35 USC §102(e), as being anticipated by Moon et al. (US 6,831,910). Claim 12 was rejected, under 35 USC §103(a), as being unpatentable over Moon in view of Saifuddin (US 6,801,759). Applicants respectfully traverse these rejections.

Moon fails to disclose the combined features recited in claim 11 of: (1) halting transmit power control on transmission units of a packet signal upon determining that the quality of the signal has deteriorated below a predetermined level and (2) resuming transmit power control on the beginning transmission unit of a next packet signal based on the transmission units transmitted after the determination of deteriorated signal quality is made.

According to the claimed invention, the receive condition of a packet signal is determined based on the content of transmit power control information provided by a communicating party. If the receive condition of the packet signal is poor, the transmit power control is halted for the remaining portion of the packet signal. However, when the next packet signal transmission begins, the transmit power control resumes and this control is based upon the transmit power control information received while the transmit power control was halted.

In other words, when the reception quality of a packet signal at the communicating party's end deteriorates below a predetermined level, the claimed apparatus "gives up" attempting to improve the reception quality of this signal through transmit power control. However, the transmit power control information received during the hiatus is reflected in the transmission of the next packet signal.

By contrast to the above-noted claimed features, Moon discloses discontinuing transmission and releasing a reverse link common channel when a power control command has a low power level. (Moon col. 19, lines 31-35). Once the reverse link common channel is released (see step A11 in Fig. 18A), the next prospective transmission sends the preamble using an initial power value (step A1), rather than a power value determined from transmit power control information received while transmit power control was halted.

The Final Rejection proposes that Moon discloses, in Fig. 18A and column 19, lines 31-36, halting transmit power control on transmission units transmitted after a determination of signal quality is made (Final Rejection page 6, last four lines). However, Moon discloses in column 19, lines 31-36, that when the power control command is lower in power level than a threshold value, for a predetermined amount of times, the mobile station releases the reverse link common channel (step A11) and

discontinues transmitting in belief that the power control channel for the forward link is in a bad condition.

Continuing, the Final Rejection proposes that Moon discloses, in column 19, lines 44-57, performing transmit power control on a beginning transmission unit of a next transmitted packet signal, based on the transmit power control information of the transmission units communicated after the determination of quality is made (Final Rejection page 6, last line, through page 7, line 4). However, the cited portion of Moon's disclosure describes the alternative situation when transmit power control has not been discontinued. The two situations are mutually exclusive. The transmit power control is either discontinued or it is not; there is no intermediate situation.

Once the transmission power control has been discontinued by releasing the reverse link common channel, as proposed in the Final Rejection, the Final Rejection's proposed resumption of transmission power control in steps A5 and A10, as described by Moon in the cited portion of his disclosure, cannot occur until steps A1, A2, and A4 have been performed. This fact is made clear by the absence of an output line connecting step A11 to the input of any other step. Steps A5 and A10 can only be performed, after the execution of step A11, by beginning with the START step and proceeding through step A1, which necessarily sets the power level to an initial level. Step A1 does not set the transmit power

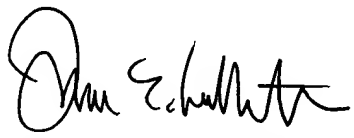
control based on information received while transmit power control was halted.

Accordingly, Applicants submit that Moon does not anticipate the subject matter of claim 11. Independent claim 15 similarly recites the features distinguishing apparatus claim 11 from Moon, but with respect to a method. For similar reasons that these features distinguish claim 11 from the applied references, so too do they distinguish claim 15. Therefore, allowance of claims 11 and 15 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. L9289.01104 PCT
STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387
Telephone: (202) 785-0100
Facsimile: (202) 408-5200

IN THE DRAWINGS:

Proposed changes to Figs. 1, 3, 4, 6 and 7 are submitted herewith, with a Letter to the Official Draftsman. The proposed drawing changes submitted August 31, 2004 are withdrawn, except to the extent they are included in the present changes.